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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/767,704 | 01/24/2001 | Yoshihiro Ibaraki | 000348-252 | 3681 |

7590 06/18/2003

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EXAMINER

SIEFKE, SAMUEL P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1743

6

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application N . | | Applicant(s) | |
| | 09/767,704 | | IBARAKI ET AL. | |
| | Examiner | | Art Unit | |
| | Samuel P Siefke | | 1743 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on restriction 5/5/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group II, claims 4,5 and 7-10 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the search of further claims would not be of serious burden on the Examiner. This is not found persuasive because response did not traverse the Examiner's reason for restriction, but only made comments about how the examination of the non-elected claims would not be of serious burden for the Examiner to examine.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4, 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukamoto (USPN 6,060,034).

Tsukamoto discloses a process for the abatement of ClF_x containing gas such as exhaust gases from a reactor. Tsukamoto checks for saturation of such gases to be absorbed by placing a color indicator on a moist sodalime (solid treatment agent) to

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detect when the cartridge is saturated (col. 2, lines 37-41). Tsukamoto teaches using curcumin as an indicator if detection of Cl_2 is expected.

Claims 7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ignacio et al. (USPN 6,287,518).

Ignacio discloses a sterilization monitor which comprises a monitoring composition which contains a dye, a halogen source and a buffer. The dye (bromocresol green; col. 6, line 39) is susceptible to halogenation in the presence of a halogen source (col. 3, lines 19-23; col. 6, lines 53, lines 53-60; col. 7, lines 50-60) and peracid and changes color as a result of the halogenation to provide an indication that peracid is present (col. 1, lines 24-35; col. 3, lines 10-39; col. 6, lines 10-65; col. 7, lines 50-60; claim 1). This reaction indicates that a halogen in the presence of a solid treatment agent (in this case the peracid when absorbed into the substrate 50 (decomposition catalyst, solid treatment agents or absorbents of the like) removes or decomposes halogen compounds (halogenation) which in turn provides for the reaction of the dye (indicator) to change a color.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto (USPN 6,060,034) in view of Clyde USPN 4,333,893).

Tsukamoto discloses a process for the abatement of ClF_x as can be seen in the discussion above.

Tsukamoto does not disclose the dye (indicator) be supported on alumina.

Clyde teaches individual high area contactors suitable for packing a column. Alumina and sodalime actively discussed (col. 8, lines 40-50). Therefore, it would have been obvious to one having an ordinary skill in the art to modify Tsukamoto to use alumina instead of sodalime because both exhibit good effective contact area.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel P Siefke whose telephone number is 703-306-0093. The examiner can normally be reached on M-F 7:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on 703-308-4037. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9311
for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is 703-308-
0661.

SPS
June 11, 2003




Jill Warden
Supervisory Patent Examiner
Technology Center 1700